

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Cole D. Benner, Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), being duly sworn, depose and state the following:

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, and have been so employed since March 2020. I have attended formal training at the Federal Law Enforcement Training Center in Glynco, Georgia, where I completed the Criminal Investigator Training Program. I also attended the ATF National Academy in Glynco, Georgia, where I completed Special Agent Basic Training. I have received training in the enforcement of various criminal statutes enacted in the Gun Control Act of 1968 and in the National Firearms Act of 1934. I am presently assigned as a Special Agent for the ATF Columbus Field Division, Columbus Group I Field Office.

2. Prior to becoming a Special Agent with ATF, I attended Otterbein University, where I graduated with a bachelor's degree in History with a minor in Sociology. I was previously employed as an Officer for the Raleigh Police Department, starting in 2016. As part of my previous employment, I completed the North Carolina Basic Law Enforcement Training Academy. I also received additional training in Outlaw Motorcycle Gang Investigations. My duties with the Raleigh Police Department included answering emergency calls for service, locating and arresting fugitives, and conducting drug interdiction investigations. I was also previously employed as a Sheriff's Deputy for the Forsyth County, NC, Sheriff's Office, starting in 2019. My duties as a Sheriff's Deputy included answering emergency calls for service, serving subjects with civil and criminal processes, and conducting traffic stops related to drug interdiction.

3. As an ATF SA, I have participated in many federal and state investigations involving the sale, possession, and trafficking of firearms and controlled substances. Through my participation in these investigations, I have debriefed numerous defendants and witnesses with personal knowledge regarding firearms or narcotics trafficking. I have also conducted physical and electronic surveillance, seized evidence and contraband, executed search warrants, and arrested defendants.

4. I make this affidavit in support of an application for a warrant to search and obtain a Deoxyribonucleic Acid (DNA) sample from the person of Ronric JOHNSON (DOB 07/29/19XX and SSN # XXX-XX-8537), who is currently an inmate, #0070046, in the custody of the Franklin County Sheriff's Department. As set forth in this affidavit, this DNA sample may constitute evidence of violations of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) (felon in possession of a firearm).

5. This affidavit is intended to show that there is sufficient probable cause for the above-described search warrant and does not purport to set forth all my knowledge of, or investigation into, this matter. The facts and information contained in this affidavit are based on my personal knowledge, my training and experience, my interviews of various witnesses, including law enforcement personnel who participated in the investigation, and my review of certain records and documents.

6. Based on my education, training, and experience, I know that skin, saliva, blood, and/or hair evidence left behind at a crime scene may contain a unique DNA profile that can sometimes be identified by forensic scientists when those scientists compare the evidence to a known standard. I know that when individuals wear clothing or handle an item such as a firearm, they may leave behind secretions and/or skin cells that contain their unique DNA profile. I also know from my education, training, and experience that oral swabs taken from an individual (buccal swab) will contain a known standard of that person's DNA profile. This standard can then be compared to an unknown standard by a forensic scientist in an effort to identify the unknown DNA sample.

7. Deoxyribonucleic acid (DNA) is genetic coding material which is unique to each individual. Laboratory analysis of DNA material can establish whether material, such as saliva, skin, hair, or blood came from a particular individual. Because DNA is sometimes left behind on physical items previously touched by a particular individual, DNA evidence can be useful, admissible evidence in demonstrating that a particular person was at one time in possession of a piece of evidence, present at a given location, or inside a particular vehicle.

8. The items to be seized are swabs (commonly referred to as buccal swabs) of DNA material of Ronric JOHNSON from the inside of the mouth and cheek. The evidence to be seized is on the person of Ronric JOHNSON.

PROBABLE CAUSE

9. On April 19, 2022, I reviewed a law-enforcement lead produced by the National Integrated Ballistic Information Network (NIBIN). Based on my training and experience, law enforcement agencies, including the Columbus Police Department (CPD), routinely provide ballistics evidence—such as expended shell casings collected from shooting scenes and from test fires of recovered firearms—to NIBIN. NIBIN, in turn, uses ballistic imaging technology to link these cartridges to one another or to a specific firearm. According to the NIBIN lead I reviewed, two recent shooting incidents in Columbus were linked by expended 357 caliber shell casings found at the scene of each incident. The shell casings are believed to have been fired by the same 357 caliber pistol, which has not yet been located.

10. The first shooting occurred on March 30, 2022. CPD officers were dispatched to 2689 Beulah Road, Columbus, Ohio, to investigate a report of shots fired into an occupied structure. Officers arrived and saw that the residence had been struck three times by gunfire, as had a nearby vehicle (OHLP: JFM8750). Officers recovered five 357 caliber shell casings and seven 40 caliber shells casings across the street along the sidewalk. The victim told officers that JOHNSON and

Shalita BROWN (believed to be JOHNSON'S girlfriend) confronted the victim about a parking spot. According to the victim, they agreed to a physical fight over the parking spot, but the victim went inside first to prepare for the fight. While the victim was inside, shots were fired into the home. Although the victim did not see JOHNSON or BROWN shooting, the victim suspects they were responsible due to the ongoing altercation. A separate citizen claimed to witness JOHNSON and BROWN shooting into the victim's residence. That witness stated JOHNSON and BROWN fled the scene northbound in a Ford Truck. A warrant for JOHNSON's arrest was filed for this incident.

11. The second shooting occurred on April 9, 2022. CPD officers were dispatched to 1904 Colin Court, Columbus, Ohio, on a report of shots fired. Upon arrival, officers found a small child suffering from a gunshot wound. Officers recovered numerous expended shell casings in the backyard of the residence, including ten 9mm shell casings, six 40 caliber shell casings, and eight 357 caliber shell casings.

12. According to a database of criminal records and the Franklin County Common Pleas Clerk of Court Website, JOHNSON has been convicted of the following felony offenses, each punishable by a term of imprisonment exceeding one year:

| Case # | Offense |
|------------|--|
| 11CR003883 | Robbery (F3) |
| 17CR001429 | Weapons under disability (F3) |
| 18CR002797 | Failure to comply with order or signal (F3) and CCW (F4) |
| 18CR003702 | Possession of drugs (F4) |

13. On January 24, 2012, JOHNSON was sentenced to a term of three years of imprisonment at the Ohio Department of Rehabilitation and Corrections in connection with his conviction for robbery in Franklin County Case No. 11-CR-003883. As such, I have reason to believe that JOHNSON knew he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year (felony offense) prior to April 30, 2022.

14. During a review of CPD incident reports, I found multiple reports, dating from November 2015 through December 2020, detailing JOHNSON's unlawful possession and dangerous use of firearms. In one report, for instance, witnesses said that JOHNSON had fired several shots into a friend's car.

15. On April 30, 2022, CPD Officers were working patrol in a marked CPD Cruiser. Officers observed a black Ford F150, bearing OH Tag JOG3249, parked near 1510 Cleveland Avenue, Columbus, Ohio. Officers had been made aware that Ronric JOHNSON was known to be operating that vehicle and had an active felony warrant (2022CRA4908) for Discharge in a habitation. The vehicle had two occupants.

16. An officer approached the vehicle on foot and identified the driver as JOHNSON. Officers saw JOHNSON was wearing a blue and white jacket and the passenger was wearing a black hoodie. As officers approached the vehicle, JOHNSON turned the ignition on and fled East to Isabel Avenue before turning onto East 13th Avenue, at which point officers lost sight of the vehicle.

17. Officers began to circulate in the direction the vehicle fled. Officers then observed the vehicle abandoned in the rear of 1217 East 15th Avenue. A bystander approached officers and stated that two individuals entered the house at 1225 East 15th Avenue. The bystander would later recant their statement and say they saw the individuals run next to the residence.

18. An officer was passing 1220 East 15th Avenue when they observed two males who appeared to be hiding behind an SUV (one wearing all blue and another wearing a black hoodie). The two individuals began to run Northbound between the houses located at 1216 East 15th and 1220 East 15th Avenue. Officers observed the male in all blue holding a bag in his right hand.

19. Officers continued to circulate and observed a male wearing a blue sweater with white stripes in the alley north of East 16th Avenue between Brooks Avenue and Louis Avenue. Upon seeing officers, the male immediately ran South into the backyard of 1228 East 16th Avenue.

Officers located the two individuals, identified as JOHNSON and Steven HENRY Jr., hiding in the detached garage in the rear of 1228 East 16th Avenue. Both JOHNSON and HENRY exited the structure and were placed in handcuffs.

20. Officers conducted a search of the garage where the apprehensions were made and located a blue sweat suit with white stripes (top and bottoms) and a black zip up hoodie. Under the clothing, officers located a clear glove containing a white powder of suspected narcotics.

21. Officers began canvassing the area for possible additional contraband. An officer opened the trashcan at 1227 East 16th Avenue (directly across from where the apprehensions were made) and observed a blue bookbag and a tan handgun in the bottom of the trashcan. Officers donned fresh nitrile gloves and recovered the tan handgun further described as a FNH, model 509, 9mm pistol bearing SN: GKS0141757 loaded with twenty-five (25) rounds of ammunition, including one round in the chamber. The firearm was swabbed for DNA.

22. Officers donned fresh nitrile gloves and recovered the bookbag as well. Officers located a Sig Sauer, model P320, 9mm pistol bearing SN: 58H270409 in the main zipper compartment. The firearm was swabbed for DNA. Officers also located two digital scales with white residue, multiple bags of suspected marijuana, and a baggie containing individual bags of suspected cocaine inside the bookbag. Officers located an additional magazine for a FNH 9mm handgun in a rear zipper compartment of the bookbag. Officers observed this magazine was identical to the one that was recovered inside the FNH 509 firearm. The additional magazine was loaded with twenty-one (21) live rounds of 9mm ammunition.

23. Officers reviewed footage from a community crime camera located at Cleveland and East 13th Avenues from earlier in the day, which showed JOHNSON and HENRY, wearing the same clothing that was recovered, entering the Ford F150 which originally fled from officers.

24. Officers conducted an administrative inventory of the F150 prior to police impound. Inside the F150, officers located a PMC ammunition box containing six live rounds of 9mm ammunition. Officers located seven live rounds of 40 caliber ammunition. The truck was impounded and transported to the CPD impound lot.

25. Following his arrest, officers conducted a secondary search of JOHNSON and located \$1,540.00 from his right sock.

26. JOHNSON was transported to Jackson Pike where he was slated for his active warrant as well as Weapons Under Disability. HENRY was issued a summons for Obstructing Official Business and was transported to his residence.

27. In connection with this investigation, I spoke with SA Jason Burns, who is a qualified ATF Interstate Nexus Expert. On May 6, 2022, SA Burns determined that the firearms recovered on April 30, 2022—an FNH, Model 509, 9mm pistol bearing Serial No. GKS0141757 and a Sig Sauer, Model P320, 9mm pistol bearing Serial No. 58H270409—were not manufactured in the State of Ohio and therefore must have travelled in and affected interstate commerce prior to their recovery by Columbus Police Officers.

CONCLUSION

28. Based on the foregoing, I believe that there is probable cause to issue a search warrant for a Deoxyribonucleic Acid (DNA) sample from the person of JOHNSON, more particularly described in Attachments A and B, as this DNA sample may constitute evidence of violations of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) (felon in possession of a firearm). Therefore, I request that the Court allow me and/or other authorized law enforcement officers to take a cotton swab and place it inside the mouth of JOHNSON, rubbing the inside of his cheek to obtain cellular material. This method allows officers to obtain saliva, and or topical or oral skin cells, by means of an oral swab. Based on my training and experience, I know that this procedure is quick, painless, and involves

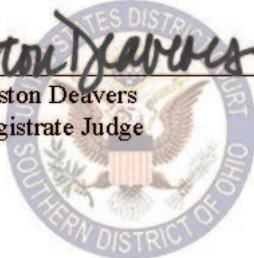
minimal intrusion into the body. This warrant also permits authority to execute the search warrant with force if necessary.

Cole Benner

Cole D. Benner, Special Agent
Bureau of Alcohol, Tobacco, Firearms &
Explosives

Sworn to and subscribed before me this 11th day of May, 2022.

Elizabeth A. Preston Deavers
Elizabeth A. Preston Deavers
United States Magistrate Judge

The seal of the United States District Court for the Southern District of Ohio is visible in the background. It features an eagle with spread wings, perched on a shield with vertical stripes. The text "UNITED STATES DISTRICT COURT" is arched over the eagle, and "SOUTHERN DISTRICT OF OHIO" is arched below it.

ATTACHMENT A

PERSONS / PLACES TO BE SEARCHED

The person to be searched is Ronric JOHNSON (DOB 07/29/19XX and SSN # XXX-XX-8537), who is an inmate, #0070046 currently incarcerated at the Franklin County Correction Center II located at 2460 Jackson Pike, Columbus, OH 43223.

ATTACHMENT B

ITEMS TO BE SEIZED

DNA standard from the saliva of Ronric JOHNSON (DOB 07/29/19XX and SSN # XXX-XX-8537), who is an inmate, #0070046, and who is currently incarcerated at the Franklin County Correction Center II located at 2460 Jackson Pike, Columbus, OH 43223, taken on sterile swabs.